REMARKS

In the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to include a substantial amount of the subject matter from the claims of related application serial number 10/029,675 filed coincidently herewith and issued under U.S. Pat. No.: 6,754,705. Note that the relevant portions of the file wrapper of such patent were submitted via an information disclosure statement (IDS) on June 7, 2004.

See below exemplary Claim 45 from the foregoing patent, with related claim language emphasized:

"45. A method for analyzing a network, comprising:

collecting information relating to a plurality of computers utilizing a plurality of information collectors coupled to the computers via a network;

collecting the information from the information collectors and managing the information collectors, utilizing at least one information collector manager coupled to the information collectors; and

collecting the information from the information collector manager and displaying the information from the information collector manager, utilizing a plurality of consoles coupled to the information collector manager;

wherein a report is generated including a plurality of objects in a tree representation;

wherein intrusion detection services are provided based on the information;

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wherein a Simple Network Management Protocol (SNMP) trap
capability is utilized."

A terminal disclaimer is submitted herewith.

The Examiner has rejected Claims 1, 3-6, 8-11, 13-16, and 18-22 under 35
U.S.C 103(a) as being unpatentable over Drake et al. (US6347374), hereinafter "Drake."
Applicant respectfully disagrees with such rejection, especially in view of the
amendments made hereinabove.

Specially, applicant now claims in each of the independent claims the following
subject matter, in combination with the remaining elements:

"wherein a report is generated including a plurality of objects in a tree
representation;
        wherein intrusion detection services are provided based on the
information;
        wherein a Simple Network Management Protocol (SNMP) trap
capability is utilized."

For, at least in part, the reasons Claim 45 was allowed and issued in U.S. Pat.
No.: 6,754,705, each of the independent claims in the present application is similarly
deemed allowable.

To establish a *prima facie* case of obviousness, three basic criteria must be met.
First, there must be some suggestion or motivation, either in the references themselves
or in the knowledge generally available to one of ordinary skill in the art, to modify the
reference or to combine reference teachings. Second, there must be a reasonable
expectation of success. Finally, the prior art reference (or references when combined)
must teach or suggest all the claim limitations. The teaching or suggestion to make the

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claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art reference fails to teach or suggest all the claim limitations. A notice of allowance or a specific prior art showing of the foregoing claimed features, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant draws the Examiner's attention to the following subject matter of new Claims 29 – 37 which is deemed allowable over the prior art of record:

"wherein enterprise latency mapping is performed" (see Claim 29);

"wherein at least one of the zone controllers chooses a port number associated with an application" (see Claim 30);

"wherein the at least one zone controller pushes a configuration request to a plurality of the host controllers in an associated zone" (see Claim 31);

"wherein the host controllers push the configuration request to the agents" (see Claim 32);

"wherein the agents monitor a port associated with the port number" (see Claim 33);

"wherein monitor data is sent from the agents to the host controllers" (see Claim 34);

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"wherein the monitor data is buffered" (see Claim 35);

"wherein the host controllers update the at least one zone controller with consolidated monitor data" (see Claim 36); and

"wherein differences in delay times are calculated to construct a picture of latency throughout an enterprise" (see Claim 37).

Again, a notice of allowance or a specific prior art showing of the foregoing claimed features, in combination with the remaining claim elements, is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P065_01.307.01).

Respectfully submitted,
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